

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	Judge Dan Aaron Polster
THIS DOCUMENT RELATES TO:)	
"All cases")	<u>ORDER REGARDING APPEALS</u>
)	<u>OF FEE PANEL ORDER NO. 32-A</u>

The Court has received from the Fee Panel its Final Recommendation regarding Common Benefit Fee Awards from nine Common Benefit Funds. *See* docket no. 5476. In the Court's "*Order Establishing Application Protocols for Reimbursement of Common Benefit Attorneys' Fees*" ("*Protocol Order*") (docket no. 4344), the Court stated it would "set forth, at the appropriate time, the process by which Fee Applicants may appeal to the Court the final fee allocation recommendation of the Fee Panel, including the deadline for filing notice with the Court." Accordingly, the Court sets forth the following appeal process.

Any of the nine Applicants that filed an objection to the Fee Panel's *preliminary* recommended Common Benefit Fee Award may now file an appeal of the Fee Panel's *final* recommended Common Benefit Fee Award. Applicants that did not object may not appeal. An appellant may challenge only their own final recommended Award, and not the Panel's recommendations of any other Applicant's Award.

To appeal, an appellant shall submit to the Court a document of no more than 10 pages, on or before **4:00p.m. on June 21, 2024**. The submission shall be emailed directly to Special Master Cohen, and not filed on the docket. The Special Master shall convey the submission to the Court, where it shall be viewed *in camera* and *ex parte*. The appellant shall state what Award it believes it should receive and why, and should explain why and how it believes the Fee Panel abused its

discretion.¹

In conducting its review of any appeal, the Court may obtain from the Fee Panel any and all of the materials the Panel considered.

After reviewing all appeals, the Court will issue an Order setting forth the Common Benefit Fee Awards for all Applicants.

IT IS SO ORDERED.

/s/ Dan Aaron Polster

**DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**

DATED: June 7, 2024

¹ “Any appeal of the Fee Panel’s final fee allocation recommendation shall be reviewed by the Court under an abuse of discretion standard.” *Protocols Order* at 11.